

By: Watson

S.B. No. 1330

A BILL TO BE ENTITLED

AN ACT

relating to the driver safety courses for individuals under the age of 25 and to the driving course requirements for those individuals when receiving deferred adjudication of certain traffic offenses.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Effective January 1, 2012, Article 45.051(b-1), Code of Criminal Procedure, is amended to read as follows:

(b-1) If the defendant is younger than 25 years of age and the offense committed by the defendant is a traffic offense classified as a moving violation:

(1) Subsection (b)(8) does not apply;

(2) during the deferral period, the judge shall require the defendant to complete a driver education [~~driving safety~~] course designed for drivers younger than 25 years of age and approved under Section 1001.101(a)(1) [Chapter 1001], Education Code; and

(3) if the defendant holds a provisional license, during the deferral period the judge shall require that the defendant be examined by the Department of Public Safety as required by Section 521.161(b)(2), Transportation Code; a defendant is not exempt from the examination regardless of whether the defendant was examined previously.

SECTION 2. Section 521.1601, Transportation Code, as added by Chapter 1413 (S.B. 1317), Acts of the 81st Legislature, Regular

1 Session, 2009, is amended to read as follows:

2 Sec. 521.1601. DRIVER EDUCATION REQUIRED. The department
3 may not issue a driver's license to a person who is younger than 25
4 years of age unless the person submits to the department a driver
5 education certificate issued under Chapter 1001, Education Code,
6 that states that the person has completed and passed[+]

7 [~~(1)~~] a driver education and traffic safety course
8 approved by the Texas Education Agency under Section 29.902,
9 Education Code, or a driver education course approved by that
10 agency under Section 1001.101(a)(1) of that code or approved by the
11 department under Section 521.205[~~+ or~~

12 [~~(2) if the person is 18 years of age or older, a~~
13 ~~driver education course approved by the Texas Education Agency~~
14 ~~under Section 1001.101(a)(1) or (2), Education Code].~~

15 SECTION 3. Section 1001.101, Education Code, as amended by
16 Chapters 1253 (H.B. 339) and 1413 (S.B. 1317), Acts of the 81st
17 Legislature, Regular Session, 2009, is reenacted and amended to
18 read as follows:

19 Sec. 1001.101. DRIVER EDUCATION COURSE CURRICULUM AND
20 EDUCATIONAL MATERIALS. (a) The commissioner by rule shall
21 establish the curriculum and designate the educational materials to
22 be used in:

23 (1) a driver education course for minors and adults;
24 and

25 (2) a driver education course exclusively for adults
26 25 years of age or older.

27 (b) A driver education course under Subsection (a)(2) must:

(1) be a six-hour course; and

(2) include instruction in:

(A) alcohol and drug awareness;

(B) the traffic laws of this state;

(C) highway signs, signals, and markings that regulate, warn, or direct traffic; and

(D) the issues commonly associated with motor vehicle accidents, including poor decision-making, risk taking, impaired driving, distraction, speed, failure to use a safety belt, driving at night, failure to yield the right-of-way, and using a wireless communication device while operating a vehicle.

(b-1) A driver education course under Subsection (a)(1) must:

(1) be a 10-hour course, including at least 4 hours of instruction focusing on issues specific to drivers younger than 25 years of age;

(2) include instruction in:

(A) alcohol and drug awareness;

(B) the traffic laws of this state;

(C) highway signs, signals, and markings that regulate, warn, or direct traffic;

(D) the high rate of motor vehicle accidents and fatalities for drivers under 25 years of age;

(E) the issues commonly associated with motor vehicle accidents involving drivers younger than 25 years of age, including poor decision-making, risk taking, impaired driving, distraction, speed, failure to use a safety belt, driving at night,

1 failure to yield the right-of-way, and using a wireless
2 communication device while operating a vehicle, and the role of
3 peer pressure in those issues;

4 (F) the effect of poor driver decision-making on
5 the family, friends, school, and community of a driver younger than
6 25 years of age; and

7 (G) the importance of taking control of
8 potentially dangerous driving situations both as a driver and a
9 passenger; and

10 (3) require a written commitment by the student to
11 family and friends that the student will not engage in dangerous
12 driving habits.

13 (b-2) A course approved for use under Subsection (a)(1)
14 before January 1, 2012, must comply with the requirements of
15 Subsection (b-1) and be approved for that purpose by the
16 commissioner not later than January 1, 2012. This subsection
17 expires September 1, 2012.

18 (c) A course approved under Subsection (a)(2) may be offered
19 as an online course.

20 (d) A driving safety course or a drug and alcohol driving
21 awareness program may not be approved as a driver education course
22 under Subsection (a)(2).

23 SECTION 4. (a) The Texas Education Agency shall adopt the
24 rules required by Section 1001.101, Education Code, as reenacted
25 and amended by this Act, as soon as practicable after the effective
26 date of this Act.

27 (b) The change in law made by this Act to Article 45.051,

1 Code of Criminal Procedure, applies only to an offense committed on
2 or after January 1, 2012. An offense committed before January 1,
3 2012, is governed by the law in effect on the date the offense was
4 committed, and the former law is continued in effect for that
5 purpose. For purposes of this subsection, an offense was committed
6 before that date if any element of the offense occurred before that
7 date.

8 SECTION 5. Except as otherwise provided by this Act, this
9 Act takes effect September 1, 2011.